

WANDA M. AKIN & ASSOCIATES
ATTORNEYS AT LAW

WANDA M. AKIN
Member, New Jersey Bar
wakin@akinlegal.com

**ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102**

744 BROAD STREET, 16TH FLOOR
NEWARK, NEW JERSEY 07102

TELEPHONE: **973-623-6834**
FACSIMILE: **973-735-2695**
www.akinlegal.com
www.brownaikin.com

MATTHEW W. COMPTON
Member, New Jersey Bar
Member, New York Bar
mcompton@akinlegal.com

ANA RITA FERREIRA
Member, New Jersey Bar
Member, New York Bar
aferreira@akinlegal.com

December 18, 2012

VIA ECF

Hon. Kevin McNulty, U.S.D.J.
United States District Court
Frank R. Lautenberg U.S. P.O. & Cthse. Bldg.
P.O. Box 999
Newark, NJ 07101-0999

Re: US v. Simar James
Docket No.: 12-660

Dear Judge McNulty:

adjourned to 1/30

Defendant Simar James is scheduled to appear before Your Honor for Sentencing on Wednesday, January 9, 2013 at 10:00 AM. On December 17, 2012, United States Probation submitted the Final Presentence Investigation Report. As set forth below, Mr. James respectfully requests that Your Honor grant counsel permission to view specific documents in U.S. Probation's file prior to submitting his Sentencing Memorandum.¹

The Final Presentence Investigation Report details information allegedly characterizing/describing the offense conduct (from police reports) respecting individual arrests and convictions in Mr. James' Criminal History which was not included in the Draft Presentence Investigation Report. Indeed, U.S. Probation indicated that it had requested additional information regarding these arrests; however, the information had not been received at the time the Draft Presentence Report was prepared.

I have been advised by Erika Arnone, United States Probation Officer, that the documents on which U.S. Probation relied in preparing the Presentence Investigation Report would be available for Mr. James to view at the Sentencing Hearing on January 9, 2013. However, viewing and assessing the documents at the Sentencing Hearing would be too late for any meaningful assessment or input at Sentencing. Mr. James may need to address information contained in these documents when submitting his Sentencing Memorandum.

¹ U.S. Probation Officer Erika Arnone advised this office that the records would be made available only if the Court granted permission.

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Accordingly, Mr. James respectfully requests that Your Honor grant counsel permission to view U.S. Probation's file and review the additional documents U.S. Probation received prior to submitting his Sentencing Memorandum.

If this proposed course is unacceptable to the Court, the defense respectfully requests an adjournment of the Sentencing Hearing and additional time to submit the sentencing brief to allow time for a request of the records from the Jersey City Police Department and a meaningful review of the same.

I thank Your Honor for his consideration of this request.

Respectfully,

/s/ Wanda M. Akin
Wanda M. Akin

CC: Jane Yoon, Esq., Assistant US Attorney (via ECF)
Simar James (via regular mail)

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*The Probation Office shall grant
the requested access. Sentencing has been
adjourned to 1/30/2013.*

SO ORDERED


Kevin McNulty, U.S.D.J.

Date: 12/27/2012